

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3428 OF 2021
(FOR STAY)

IN

FIRST APPEAL (ST) NO. 14704 OF 2021

WITH

INTERIM APPLICATION NO. 3427 OF 2021

Dy.Chief Engineer (Construction), Central
Railway,

...Applicant/
Appellant

Versus

Shri. Vaijinath Prashuram Pendase & Ors.

...Respondents

Mr. T. J. Pandian a/w T.C. Subramanian for the Applicant/Appellant.

Mr. Rupesh K. Bobade, for the Respondents..

CORAM : N. J. JAMADAR, J.

DATE : 22nd NOVEMBER, 2021

P.C.:

1. Not on board. Taken on board. Heard the learned counsel for the applicant-appellant and the learned counsel for the respondents-original claimants.

2. The learned counsel for the applicant-appellant submits that, by the impugned award, the reference Court has enhanced the compensation by Rs.390 per Sq.mtr. The appellant has a strong case on merits. The appellant thus seeks stay to the execution, operation and implementation of the impugned Award passed by

the reference Court in LAR No.75 of 2003. The learned counsel for the appellant submits that the appellant is ready to deposit the entire amount of compensation alongwith interest accrued thereon before the reference Court within a period of 10 weeks.

3. In view of the aforesaid submission and the fact that the issues raised by the appellant warrant consideration there shall be ad-interim stay to the execution, operation and implementation of the impugned award in LAR NO. 75 of 2003, dated 18th December, 2019, passed by the learned Joint Civil Judge Senior Division, Barshi, subject to deposit of the entire amount of compensation along with the interest accrued thereon, in terms of the impugned award, within a period of ten weeks from today.

4. In the event of default, this order shall stand vacated automatically without further reference to the Court.

5. In case of deposit, the respondent-original claimant is at liberty to move for withdrawal of the amount of compensation.

The Application is accordingly disposed of.

(N. J. JAMADAR, J.)